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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HSU, RYAN

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,210

Applicant(s)

CLIFF ET AL.

Examiner

Ryan Hsu

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-26, 28-42 and 44-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-26, 28-42 and 44-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendments filed on 9/17/07, claims 1-10, 12-26, 28-42, and 44-49 have been amended. Additionally, claims 11, 27, and 43 have been canceled without prejudice and claim 50 has been newly added. Claims 1-10, 12-26, 28-42, and 44-50 are pending in the current application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file (UK Patent Application No. 0225419.1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-10, 13, 15-20, 24-26, 29, 31-33, 35-36, 40-42, 45, and 47-50, rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US 6,015,344 A).

Regarding claim 1, Kelly et al. disclose a gaming system comprising: a game server, a gaming platform usable by a player to play a game associated with a game server (*see Fig. 4 and the related description thereof*), a communication network for providing communication between the gaming platform and the game server and a prize supplier database for storing data (*see Fig. 4 and the related description thereof*), including location data, about prize suppliers (*see prize supplier [499] of Fig. 15 and the related description thereof*). Additionally, Kelly teaches the delivery of a prize using a voucher or coupon to a player which communicates to the

player, location information about the appropriate prize supplier (*see col. 11: ln 5-62, col. 28: ln 15-35*). This information is inherently provided by the voucher and coupon in order to allow the player to redeem their prize. Furthermore, although Kelly does not specifically teach the game device being a mobile gaming platform this does not overcome the prior art of Kelly because it is old and well known in the art at the time the invention was made to make an old device portable or mobile, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23 (CCPA 1952). In *arguendo*, the Examiner directs the applicant's representative that mobile gaming devices are old and well known in the art as indicated by the following references (Wells – US 6,846,238 B2; Sprogis – US 6,932,698 B2).

Regarding claim 18, Kelly et al. disclose an apparatus comprising: a game server for communicating, via a communication network, with at least one gaming platform on which a player can play a game associated with the game server and a prize supplier database for storing data, including location data, about prize suppliers (*see Fig. 9a and the related description thereof*). Additionally, Kelly disclose the game server to comprise of a prize signal generator for generating a prize signal upon a predetermined game occurrence resulting from playing the game on the gaming platform, and a control arrangement for responding to the generation of the prize signal by communicating location information about an appropriate prize supplier for receipt by the player (*see Fig. 9a and the related description thereof*). Furthermore, Kelly's system discloses a control arrangement being arranged to select an appropriate prize supplier from the prize supplier database on the basis of at least one selection parameter (*see Fig. 6b and the related description thereof*). Additionally, Kelly teaches the delivery of a prize using a voucher

or coupon to a player which communicates to the player, location information about the appropriate prize supplier (*see col. 11: ln 5-62*). This information is inherently provided by the voucher and coupon in order to allow the player to redeem their prize. However, the differentiation between a mobile and tabletop platform does not overcome the prior art of Kelly because it is old and well known in the art at the time the invention was made to make an old device portable or mobile, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23 (CCPA 1952). In *arguendo*, the Examiner directs the applicant's representative that mobile gaming devices are old and well known in the art as indicated by the following references (Wells – US 6,846,238 B2; Sprogis – US 6,932,698 B2).

Regarding claim 33, Kelly et al. disclose a game-prize information method comprising:

- (a) communicating game data via a communication network between a game server and a gaming platform on which a player can play a game associated with the game server (*see game [10(a-d)] and server [104] of Fig. 4 and the related description thereof*); (b) on a prize signal being generated from playing a game on a gaming platform, selecting on the basis of at least one selection parameter, an appropriate prize supplier from a prize supplier database (*see Ticket Exchange Center of Fig. 6b and the related description thereof, col. 11: ln 5-37,)* and (c) communicating location information about the appropriate prize supplier for receipt by the player (*see game [10(a-d)] and server [104] of Fig. 4 and the related description thereof and Fig. 6b and the related description thereof*). Additionally, Kelly teaches the delivery of a prize using a voucher or coupon to a player which communicates to the player, location information about the appropriate prize supplier (*see col. 11: ln 5-62, col. 28: ln 15-35*). This information is inherently

provided by the voucher and coupon in order to allow the player to redeem their prize. Although, Kelly does not specifically teach a gaming platform to be a mobile gaming platform it does teach them to be a tabletop platform (*see col. 16: ln 5-32*). However, the differentiation between a mobile and tabletop platform does not overcome the prior art of Kelly because it is old and well known in the art at the time the invention was made to make an old device portable or mobile, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23 (CCPA 1952). In arguendo, the Examiner directs the applicant's representative that mobile gaming devices are old and well known in the art as indicated by the following references (Wells – US 6,846,238 B2; Sprogis – US 6,932,698 B2).

Regarding claims 2, 19, and 35, Kelly disclose a gaming system in which at least one selection parameter comprises a location associated with the player (*see Fig. 6b and the related description thereof*).

Regarding claims 3, 20, and 36, Kelly disclose a gaming system wherein the at least one selection parameter further comprises at least one of a prize type indicated by the player and the prize availability at the prize suppliers (*see Fig. 6b and the related description thereof*).

Regarding claims 8-9, 24-25, and 40-41, Kelly disclose a gaming system wherein the location associated with the player is a specific location input by the player, the system further comprises means for accepting user input of a specific location (*see Fig. 6b and the related description thereof*). Additionally, Kelly discloses wherein the control arrangement of the game server is arranged to select the appropriate prize supplier as the prize supplier that is closest to

the specific location (*ie: the prizes awarded will be for at the kiosk inside the casino as indicated on the voucher*)(*see Fig. 6b and the related description thereof*).

Regarding claims 10, 26, and 42, Kelly disclose a gaming system wherein the location information comprises at least one of: a location of the appropriate prize supplier, the position of the appropriate prize supplier relative to the specific location and a route guide to the appropriate prize supplier from the specific location (*see Fig. 6b and the related description thereof, col. 11: ln 5-37*).

Regarding claims 13, 29, and 45, Kelly disclose a gaming system in which the location information comprises a route guide to the appropriate prize supplier from a location associated with the player (*ie: network topology information being sent from server to game apparatus*)(*see Fig. 4 and the related description thereof*).

Regarding claims 15-17, 31-32, and 47-49, Kelly teaches a control arrangement wherein the communicating the location information of the appropriate prize supplier for receipt by the player comprises communicating the location information to the mobile gaming platform by printing the information on the voucher or coupon, which would be an equivalent to a prize code signal or a prize entitlement signal (*see Fig. 3-4 and 9a and the respective related descriptions thereof, col. 11: ln 5-37, col. 27: ln 46-col. 28: ln 35*).

Regarding claims 34 and 50, Kelly teaches a method that comprises generating the prize entitlement signal upon a predetermined game occurrence (*see Fig. 12 and the related description thereof*).

Claims 4-7, 12, 14, 21-23, 25-26, 28, 30, 37-39, 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. as applied to claims above, and further in view of Sharma (US 6,287,200).

Regarding claims 4, 12, 14, 21, 28, 30, 37, and 44, Kelly teaches a gaming system a gaming system that incorporates comprises of a game server, a gaming platform, a communication network and a prize supplier (*see Fig. 6b and the related description thereof*). Additionally, Kelly's system comprises of a game server that uses a prize generator for generating a prize signal upon a predetermined game occurrence resulting from playing of the game using the gaming platform (*see Fig. 4 and the related description thereof*). Furthermore, Kelly's system is incorporated on a gaming platform and relays information throughout all the different gaming client devices but is silent with respect to detailing out a location determining apparatus for determining the location of the gaming platform. Although, Kelly is able to locate and determine the location of the individual devices and tracks the responses for games made by the different remote gaming terminals it is silent with respect to specifically one of ordinary skill in the art would recognize that a network server/client system inherently incorporates a determining apparatus to determine each client device that is connected to the network. In a related gaming patent, Sharma teaches the implementation of locating and identifying different apparatus devices in a mobile network. Sharma teaches that using a WAP protocol one can find the relative location of all the different gaming platforms (*see abstract, Figs. 1-2 and the related description thereof*). One would be motivated to incorporate such a teaching into a cellular network in order to allow for the ability to identify other devices that are located in a network. Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate the teachings of Sharma with that of Kelly to allow for a gaming system to identify the location of the devices located in the network.

Regarding claims 5, Kelly teaches a gaming system in which the communication network is a cellular network and the location determining apparatus comprises part of the communication network to locate the gaming platform to a given cell of the cellular communication network (*see col. 18: ln 40-col. 19: ln 26*).

Regarding claims 6, 22, 25, and 38, Kelly teaches a gaming system wherein the control arrangement of the game server is arranged to select the appropriate prize supplier as the prize supplier that is closest to the current location of the gaming platform (*ie: the prizes awarded will be for at the kiosk inside the casino as indicated on the voucher*)(*see Fig. 6b and the related description thereof*).

Regarding claims 7, 23, 26, 39 and 46, Kelly teaches a gaming system wherein the location information comprises at least one of: a location of the appropriate prize supplier, the position of the appropriate prize supplier relative to the specific location and a route guide to the appropriate prize supplier from the specific location (*see Fig. 6b and the related description thereof*).

Response to Arguments

Applicant's arguments filed 9/17/07 have been fully considered but they are not persuasive. The arguments filed were directed towards stating that Kelly does not mention communicating location information about the prize distributor. The applicant's representative quotes from Kelly as stating: "the player can be mailed his or her selected prize from the prize supplier". However in this is from an alternative embodiment. The player is also able to receive

a voucher for the prize where the player is then provided information on the voucher itself on the location to redeem his or her prize (*see col. 28: ln 15-35*).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



RH

November 20, 2007



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SUPERVISORY PATENT EXAMINER